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AREAS OF CRITICAL ENVIRONMENTAL CONCERN

Policy and Procedures Guidelines

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AREAS OF CRITICAL ENVIRONMENTAL CONCERN (ACEC's)

Policy and Procedures Guidelines

U.S. Department of the Interior, Bureau of Land Management

June 1980

AREAS OF CRITICAL ENVIRONMENTAL CONCERN

POLICY AND PROCEDURES GUIDELINES

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AREAS OF CRITICAL ENVIRONMENTAL CONCERN

I. Summary.

A. Purposes and Objectives. These guidelines set forth general policy and procedures for identifying, designating and giving special management attention to Areas of Critical Environmental Concern within the public lands administered by the Secretary of the Interior through the Bureau of Land Management (BLM). The purpose of this document is to provide general guidance and direction to BLM personnel and information to the public to enable all interested persons to participate effectively in this aspect of managing the public lands. The information contained in these guidelines will be incorporated into regulations dealing with the identification, designation, and protection of special management areas and into the BLM Manual section dealing with detailed procedural guidance for special management areas.

The objectives of the process covered by these guidelines are to identify, designate and manage areas within the public lands where special management attention is required to protect (a) important historic, cultural, and scenic values, fish and wildlife resources and other natural systems and processes, and (b) human life and property from natural hazards.

B. Authority and Mandate. The Federal Land Policy and Management Act of 1976 (the Act, or FLPMA) contains the following key provisions regarding Areas of Critical Environmental Concern:

1. Definition. An "Area of Critical Environmental Concern" (ACEC) is a area "within the public lands where special management attention is required (when such areas are developed or used, or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards" (Sec. 103(a));

2. Identification Priority and Effect. Identification of potential ACEC's shall be given "priority" in the "inventory of all public lands and their resource and other values," and identification "shall not, of itself, change or prevent change of the management or use of public lands" (Sec. 201(a);

3. Designation Priority and Process. The designation of ACEC's shall be given "priority" in "the development and revision of land use plans" (Sec. 202(c)(3)), and

4. Special Management Priority. The protection of ACEC's shall be given "priority" (Sec. 202(c)(3)) in applying the required special management attention.

C. Basic Concepts.

1. Protective Management Policies Apply to All Public Lands. In FLPMA Congress declared a basic policy directing "management, protection, development, and enhancement of all the public lands" to protect certain environmental values. The Act also says:

--That the public lands shall "be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use" (Sec. 102(a)(8));

--That "in managing the public lands," BLM "shall, by regulations or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands" (Sec. 302(b));

--That management shall be under principles of multiple use and sustained yield (Secs. 102(a)(7), 202(c)(1), and 302(a)), and environmental values are incorporated in the Act's definition of multiple use (Sec. 103(c)).

Thus, Congress has established an overall policy framework, within a context of multiple use, sustained yield and protection of environmental quality, for management of all of the public lands.

2. ACEC's Are Special Places within the Public Lands. In addition to establishing in law such basic protective management policies that apply to all the public lands, Congress has said that "management of national resource lands [public lands] is to include "giving special attention to the protection of ACEC's, for the purpose of ensuring "that the most environmentally important and fragile lands will be given . . . early attention and protection" (Senate Report 94-583, on FLPMA). Thus, the ACEC process is to be used to provide whatever special management is required to protect those environmental resources that are most important, i.e., those resources that make certain specific areas special places, endowed by nature or man with characteristics that set them apart. In addition, the ACEC process is to be used to protect human life and property from natural hazards.

3. The ACEC Process Is Part of Multiple-Use Management. The ACEC identification, designation and management process is an integral part of BLM's on-the-ground multiple-use planning and management processes. Through the ACEC process, BLM has a mandate to both:

(a) provide special management attention that will protect important environmental resources, and protect human life and property from important natural hazards, and

(b) do this without unnecessarily or unreasonably restricting users of these lands from uses that are compatible with that protection.

4. Development May Occur in Some ACEC's. As the Senate Committee Report on FLPMA (Senate Report 94-583) said, "Unlike wilderness areas . . . (ACEC's) are not necessarily areas in which no development can occur. Quite often, limited development, when wisely planned and properly managed, can take place in these areas without unduly risking life or safety or permanent damage to historic, cultural or scenic values or natural systems or processes." Thus, a particular ACEC designation may provide for a range of multiple-use activities, including specified kinds and degrees of development and commodity-production activities, provided that the important environmental resources within that area, or human property or lives, are not damaged or endangered.

5. Each ACEC's Special Management Requirements Are Site-Specific. The special management requirements for each ACEC will be designed individually to fit the resources or hazards within each particular geographic area involved. Since it is unlikely that the resources or hazards within any two ACEC's will be identical, it is unlikely that all the specifics of the special management requirements of any ACEC's will be identical. Each ACEC is, in effect, to be handcrafted area by area, and an individual special management prescription designed to (a) protect the particular important environmental resources that have been identified within the area, or (b) to protect people and property from the particular hazards the area contains. Thus, the uses and activities which may take place within any particular ACEC will be those that are compatible with and supportive of the particular resources which that ACEC is being designated to protect, or those that are consistent with providing protection from a particular natural hazard.

6. The ACEC Process Is Part of the Planning Process. Identification of potential ACEC's and designation of ACEC's will be done through BLM's on-the-ground planning process, in accord with BLM's procedures for preparing, approving, and revising Resource Management Plans. This planning process incorporates environmental analysis pursuant to the National Environmental Policy Act. An ACEC is designated through approval by a BLM District Manager of a Resource Management Plan, or of an amendment to such a plan, for a Resource Area--BLM's basic geographic planning and management unit. This designation decision is made after review and concurrence by the BLM State Director. Where a proposed ACEC contains an environmental resource of multi-State, national, or international significance, concurrence by the BLM Director and, in some cases by the Secretary, also may be required.

7. Identification and Designation Are Separate Steps. The identification step in the ACEC process precedes and is separate from the designation step. The Act makes a distinction between (a) the identification of an important environmental resource or natural hazard, and (b) the protection of that resource, or of life or safety, through designation of its location as an ACEC. As the Act says, ACEC identification "shall not, of itself, change or prevent change of the management or use of public lands" (Sec.

201 (a)). Thus, there may be locations where an environmental resource or natural hazard has been identified as a potential ACEC that, nevertheless, will not be protected through ACEC designation.

"Identification" of an environmental resource or natural hazard--i.e., a finding that criteria of relevance and importance are met--makes the place where such a resource or hazard is located a potential ACEC and eligible for subsequent consideration for designation as an ACEC. Identification is a matter for professional evaluation, and will be made on the basis of the values or qualities of the resource or characteristics of the hazard itself, without consideration of alternative potential uses.

"Designation" of an area as an ACEC is a management decision that will be made after weighing the public interest to be served by ACEC designation and potential alternative uses for the resource or combination of resources involved. This decision shall be made after consideration of all applicable factors, including factors specified in law and executive policy, policies of other governmental entities, and expressions of public concern.

The decision whether an important environmental resource, in whole or in part, is to be protected through ACEC designation, protected through another means, or not protected, will be made after careful consideration of anticipated effects of alternative potential uses, in accord with the principle of multiple-use management as defined in FLPMA, and all other relevant law and policy. The decision shall provide for that use or combination of uses which best serves the public interest.

8. An ACEC Designation Constitutes a Management Commitment. Upon designation of an ACEC, its special management requirements will control BLM's management program for the area and no activity incompatible or inconsistent with those requirements shall be allowed or undertaken by BLM. In FLPMA the Congress mandated not only the identification and designation, but also the protection, of ACEC's. Thus, the ACEC process is more than a recognition program; it is a process for (1) determining what special management attention certain important environmental resources or hazards require, and then for (2) making a commitment that this special management will continue to be provided on a priority basis in accord with Sec. 202(c)(3) of the Act. In addition to protecting important environmental resources from damage or loss, whenever feasible the purposes of this special management attention are to affirmatively enhance such resources.

An ACEC's special management requirements may include two kinds of measures: (1) those which BLM has authority to adopt, carry out, and enforce, and (2) those that are a basis for a request or recommendation to others for action because BLM does not have all of the necessary authority. Insofar as an ACEC's special management requirements are within BLM's authority to adopt, carry out, and enforce, an ACEC designation constitutes a Bureau commitment that those requirements will be strictly adhered to. Where an ACEC's special management requirements call for or recommend an action

beyond BLM's direct authority to adopt or implement, an ACEC designation constitutes a commitment that BLM will do everything within its authority and means to secure the adoption of the measure and its implementation. An example of such a measure could be a cooperative agreement with a State wildlife agency, or withdrawal of an area of the public lands from certain specified activities, such as mining activity under the General Mining Law of 1872. An ACEC designation is not a withdrawal; under FLPMA, withdrawal authority is retained by the Secretary of the Interior and has not been delegated.

9. ACEC Designations May Complement Other Forms of Management. ACEC and other special management area designations are not necessarily mutually exclusive. An ACEC may overlay another form of designation, in whole or in part, so as to complement the management provided through the other form--for example, a unit of the National System of Wild and Scenic Rivers, within the public lands.

10. Public-Interest Determinations Are Required for ACEC Designation and Revision. Designation of ACEC's and any revisions of designations are made on the basis of a determination as to which of the alternative possible uses for the important environmental resources involved will best serve the public interest. These designation decisions are made through adoption or amendment of a Resource Management Plan (RMP), in an open process that includes environmental analysis and opportunity for public review. Once made, an ACEC designation decision cannot be changed except by revision through a subsequent public-interest determination that is made through the same open process.

No action that is inconsistent with the terms of an ACEC designation or that would adversely impact an ACEC-protected resource will be permitted unless the District Manager finds, through the plan amendment process, that the public benefits of such an action outweigh the public benefits of continuing the ACEC protection, and that there is no feasible alternative to the proposed inconsistent action. In any such case, the BLM State Director would have to concur prior to the approval of such a plan amendment. In addition, where an environmental resource of multi-State, national, or international significance is involved, the BLM Director, and in some cases the Secretary, also would have to concur before such an amendment could be approved.

11. Opportunity for Public Involvement Is Provided at Each Step. Opportunity for public participation at each phase of the ACEC process will be provided by BLM officials, pursuant to all relevant law and executive policy, including provisions of FLPMA and the National Environmental Policy Act, the Department of the Interior's policy on public participation in decisionmaking, and BLM's resource management planning regulations.

II. Definitions

Area of Critical Environmental Concern (ACEC): An area "within the public lands where special management attention is required (when such areas are developed or used, or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or

scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards" (FLPMA Sec. 103(a));

Cultural Value or Resource. Nonrenewable evidence of human endeavor, such as found in places, structures, objects, trails or other forms of evidence. Such a resource may include (1) physical remains or natural features important in or representative of human activity; (2) areas where important or representative human events occurred even though tangible remains may be absent, or (3) areas of socio-cultural concern, including those of traditional significance to American Indians, Aleuts, Eskimos, or other groups. Cultural values or resources may include either prehistoric or historic values or resources from the earliest evidences of humankind to the present day. (Illustrative example, III.D.1, below.)

Designation. The decision by a BLM District Manager as part of a resource management planning process, made through approval of a Resource Management Plan, a Management Framework Plan, or of an amendment to such plans, that describes and adopts the special management attention required within a particular ACEC.

Environmental Resource. One or more of the kinds of resources eligible for special management through ACEC designation--i.e., a fish or wildlife resource, or other natural system or process, or a historic, cultural, or scenic value or resource. As used here, the term, "environmental resource," refers collectively to one or more than one of these kinds of resources, systems, processes, or values.

Fish and Wildlife Resource. One or more species or population of animals including eggs or progeny, whether raised in captivity or not, that normally is found in a wild state, together with the elements of its habitat needed to normally and naturally maintain a healthy life and perpetuate its population. (Illustrative example, III.D.3, below.)

Historic Value or Resource. (See definition of Cultural Value or Resource, above.)

Important. (See definition in Identification Criteria, III.B.2., below.)

Life and Safety. "Life" means the life of any human. "Safety" refers to the protection of human life or the protection of property, and means reasonable freedom from significant threat, risk or danger of serious injury, or of significant damage to or loss of property.

Management Framework Plan (MFP). The Bureau's basic planning decision document (land-use plan) prior to the adoption of a Resource Management Plan. An approved MFP will guide management actions until superseded by an approved RMP. (Refer to definition of Resource Management Plan.)

Multiple Use. The management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services, and the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment, with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

Natural Hazard. A natural characteristic of land or water resources or areas that (1) constitutes conditions significantly dangerous, or potentially significantly dangerous, to human life, or property, or that (2) would be significantly dangerous to life or the safety of property if development or other activity were permitted. Such a hazard may be either existing or considered likely to occur in the future. (Illustrative example, III.D.5, below.)

Natural System or Process. Living or nonliving parts of the natural environment, considered either as a discrete individual elements or as groups or classes of such individual elements, and the behaviors, actions, and interactions of such elements or changes to them. The central features of such a system or process may, for example, be communities of living plants, and vital components of their habitat, or such non-living structures as geological formations, which exemplify a natural process or system. (Illustrative example, III.D.4, below.)

Potential ACEC. An area within which a relevant and important environmental resource or natural hazard has been identified is a "potential ACEC" until a decision is made to designate or not to designate the area an ACEC.

Priority. A preferential rating or ranking, or prior attention in terms of time and precedence, for allocation of services or resources in limited supply.

Protect. To defend or guard against damage or loss to the important environmental resources of a potential or designated ACEC. This includes both damage that can be restored over time and that which is irreparable. With regard to a natural hazard, protect means to prevent the loss of life or injury to people, or loss or damage to property.

Public Lands. "Any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management . . . except--(a) lands located on the Outer Continental Shelf; and (b) lands held for the benefit of Indians, Aleuts, and Eskimos" (FLPMA, Sec. 103(e)).

Public Participation. "Public" means affected or interested individuals, including representatives of organizations and interest groups, and officials of local, State, Federal, and Indian tribal governments. "Participation" means systematic opportunity for members of the public to know about and express opinions on possible BLM actions and policies, and to know that their views are considered in shaping decisions and become part of the record of the decisionmaking process. "Public participation" also means "public involvement," as defined in FLPMA, Sec. 103(d): opportunity for participation by affected citizens in rulemaking, decisionmaking, and planning with respect to the public lands, including public meetings or hearings held near affected lands, or advisory mechanisms, or other procedures as may be necessary to provide public comment in a particular instance.

Relevant. (See definition of "relevance" in Identification Criteria, III.B.1, below.)

Resource Area. A geographic portion of a BLM District, and, in most instances, the administrative unit for which Resource Management Plans are prepared and maintained.

Resource Management Plan (RMP). The basic decision document of BLM's resource management planning process, used to establish allocation and coordination among uses for the various resources within a Resource Area. Identification of potential ACEC's is normally done through this planning process, and ACEC designation is done through approval (adoption) of such a plan or plan amendment. An RMP is a "land-use plan" prescribed by Sec. 202 of the Act. RMP regulations were published in the Federal Register on August 7, 1979 (44 FR 46386-46401). (Refer to definition of Management Framework Plan.)

Scenic Value or Resource. A scenic resource consists of land, water, vegetation, wildlife, structures, or other visually perceivable aspects of a landscape, vista, or scene--natural, created by human activity, or both. The value of a scenic resource includes its scenic quality, scarcity, and degree to which people have interest in, or concern about, visual changes to it. (Illustrative example, III.D.2, below.)

Secretary. The Secretary of the Interior.

Special Management Attention. Actions or other measures considered necessary or appropriate to protect, enhance, or restore an important environmental resource within an ACEC, or to protect human life or property from an important natural hazard within an ACEC.

Withdrawal. The withholding, subject to valid existing rights, of an area of Federal land from settlement, sale, location, or entry under some or all of the general land laws, including the mining laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or to reserve the area for a particular public purpose or program.

III. Identification Criteria

A. A Professional Evaluation. Two identification criteria derived from the Act will be applied in identifying an environmental resource or a natural hazard to determine whether the area in which it is located is a potential ACEC. Both of the criteria--Relevance and Importance--must be met in every case. An identification determination is a professional evaluation based on the inherent or intrinsic qualities of resources or hazards, either singly or in combination, without consideration of alternative possible uses for the resource or resources.

B. Applying the Criteria.

1. Relevance. An environmental resource or natural hazard can be found to be "relevant" if it is one of the kinds of resources, values, systems, processes, or hazards included in the Act's definition of an ACEC.

2. Importance. An environmental resource can be found to be "important" if it has qualities that give it (a) special worth, consequence, meaning, distinctiveness or cause for concern especially when compared to any like or similar resources, and, generally, (b) more-than-local significance. Qualities or circumstances that make such a resource fragile, sensitive, rare, irreplaceable, endangered, threatened, or vulnerable to adverse change may be among the causes for concern. A natural hazard can be found to be "important" if it is a significant threat, either existing or potential, to human life or property.

Evidence of importance may be found, for example, in the judgment of persons qualified by knowledge, training, or experience to assess these qualities.

In addition, evidence of more-than-local significance may be found, for example, in expressions by more than one local government, a State government, or citizen's interest groups, or a substantial number of persons residing beyond the locality in which the resource is located. Although the requirement of more-than-local significance is the general rule, there may be exceptional cases where evidence of a resource's importance must rely largely or exclusively on the judgment of a local government or local community--because, for example, there may be no like or similar entities elsewhere with which that particular resource may be compared. A District Manager may find that there is compelling reason that a resource of only local concern is "important" for ACEC purposes. With respect to natural hazards, reported hazards data from national systems for disaster preparedness, geologic hazards reported by the U.S. Geological Survey, or standards for water-related hazards as established by the U.S. Water Resources Council, may provide evidence of importance.

C. Special Significance Information. In applying the criteria specified above (III.B), information developed by international, Federal or State programs may be useful evidence of importance. For example, information about historic, cultural, or scenic values or "natural system or process" resources may be available through such sources as the Federal

Committee on Ecological Reserves; the National Heritage Program, administered by the Heritage Conservation and Recreation Service (HCRS); the National Register of Historic Places, and registers of natural and historic landmarks, also administered by HCRS; and the UNESCO Man and the Biosphere Program, coordinated in the U.S. through the Department of State. State government historic or natural heritage programs, universities, and other research, education, and public interest organizations may also provide useful information for ACEC purposes. Data obtained by BLM through such State, national, international, or other such programs should be given special consideration in the ACEC process.

Some of these organizations have programs to identify scientifically significant examples of the diversity of natural ecosystem types; sites illustrating genetic, biotic, or geological diversity, or outstanding examples of major types of natural systems or natural processes. If an area is proposed for ACEC designation that is considered an appropriate addition to such a recognized program, evidence of qualification for the program should be included in the documentation. Where an official or generally recognized classification system exists for the type of environmental resource involved, how the resource fits the classification system should be described.

D. Illustrative Examples. Examples of some of the characteristics or qualities of the kinds of environmental resources or natural hazards that conceivably could meet these criteria are noted below for illustrative purposes only.

1. Cultural Value or Resource: Could be an archeologically significant area of prehistoric Indian habitation that is vulnerable to loss or damage because of easy accessibility; or physical evidence of an historically significant event or period in American history.

2. Scenic Value or Resource: Could be an area that combines outstanding scenic quality, relative scarcity, and/or high visual sensitivity that requires special attention if protection of these qualities is to be assured.

3. Fish or Wildlife Resource: Could include an important or critical habitat for a species that is endangered, threatened, sensitive, or of special importance; an important area of historic range suitable for reintroduction of such a species, or an area necessary for reproduction, rearing, or seasonal use in order to maintain a viable population level of such a species.

4. Natural System or Process: Could be a significant natural system or process that is being subjected to decisive adverse change or alteration, or that without special management attention is susceptible to decisive change in its natural condition or functioning. Also could include a key component essential to the life cycle or survival of such a living natural system or process; an important habitat for a plant species or community, particularly one that is endangered, threatened, sensitive, or of special importance; or an important occurrence of a rare or relict resource, or a nonliving geological feature, paleontological phenomena or land form that exemplifies a natural system or process.

5. Natural Hazard: Kinds of hazards that conceivably could be appropriate for ACEC designation include significant avalanche areas, areas subject to periodic dangerous flooding, areas with unstable soil mantles such as steep slopes vulnerable to landslides, seismic zones, dangerous cliffs or other unsafe areas, particularly where human visitation is likely. Some types of hazards, such as abandoned mine shafts, are not relevant for ACEC identification because they are manmade rather than natural. However, a hazard caused initially or triggered by human action may be considered "natural" for ACEC purposes if it subsequently has become part of a natural process and significantly endangers human life, health or property.

IV. Designation Considerations

After one (or more) environmental resource or natural hazard has been found to meet the identification criteria (III, above), the decision whether to designate the area in which it is located an ACEC will be made through the RMP process.

A. A Management Decision. BLM officials have the management responsibility to decide whether or not to protect an environmental resource, or to provide protection from a natural hazard, through ACEC designation and the resultant special management attention. This decision process involves weighing the relative public interest in any benefits and adverse effects that would result from ACEC designation, and in any benefits and adverse effects that would result from non-designation. The designation decision shall be based on consideration of all applicable factors, including those outlined below.

B. Designation Factors.

1. Relevant Law. Some of these factors are set forth in law, including:

a. Factors Specified in FLPMA.

(1) The primary designation factor is the mandate of the Act that BLM "shall . . . give priority to the designation and protection of areas of critical environmental concern" (Sec. 202(c)(3)). Other factors set forth in FLPMA include consideration of both "present and potential uses of the public lands"; consideration of "the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values"; weighing of "long-term benefits to the public against short-term benefits," and providing "for compliance with applicable pollution control laws, including State and Federal standards or implementation plans" (Sec. 202(c)).

In addition, the Senate Report on FLPMA (Senate Report 94-583) noted that the Act's ACEC provisions respond, in part, to three recommendations of the Public Land Law Review Commission: Create and preserve a natural

area system on the public lands for scientific and educational purposes; identify and protect areas of national significance on the public lands; and classify lands for environmental quality enhancement and maintenance.

Therefore, areas with high value or potential for expanding scientific knowledge or for education, particularly those with existing baseline data or special instrumentation or plans for research, or where special management is needed to assure continuity and integrity in long-term research programs, should be considered for ACEC designation.

(2) Another basic policy established in FLPMA is that the public lands shall be managed by observing the principle of multiple use unless otherwise specified by law (Secs. 102(a)(7), 202(c)(1), and 302(a)). Thus, the multiple-use principle is to be used in making ACEC designation decisions. To the extent that any otherwise appropriate use may take place within an ACEC without damaging or endangering an environmental resource that is the reason for ACEC designation, or without endangering life or property, such a use may be permitted as long as that use is consistent with the special management requirements of the ACEC.

b. Factors in Other Federal Law. Other Federal law that may be applicable to a particular ACEC decision may include such statutes as the National Environmental Policy Act of 1969, Antiquities Act, Archaeological Resources Protection Act of 1979, Taylor Grazing Act, Federal Water Pollution Control Act, Clean Water Act, National Historic Preservation Act, Clean Air Act, Mining and Minerals Policy Act, Endangered Species Act, Sikes Act, General Mining Law of 1872, Public Rangelands Improvement Act of 1978, and Surface Mining Control and Reclamation Act.

2. Statements of Federal Executive Policy. Executive direction and guidance may be expressed in Presidential statements and executive orders, Secretarial policy statements and orders, and BLM directives. Relevant executive orders may include, for example, E.O. 11514 (1970), concerning protection and enhancement of environmental quality; E.O. 11593 (1971), concerning protection and enhancement of cultural and historic resources on Federal land; E.O. 11644 (1972) as amended by E.O. 11989 (1977), concerning management of off-road vehicles on public lands; E.O. 11988 (1977), concerning flood plain management; E.O. 11990 (1977), concerning wetlands protection, and the President's 1979 Environmental Message. Policy guidance from the Secretary, BLM Director and State Directors will be provided from time to time for District Managers and others preparing Resource Management Plans (see Sec. 1601.1(b) and (c) of BLM's planning regulations).

3. Policies of Other Governmental Entities. ACEC designation decisions will take into account officially adopted resource-related policies, plans, and programs of State and local governments, Indian tribal governments and other Federal agencies, in accord with Sec. 202(c)(9) of the Act and Sec. 1601.4 of BLM's planning regulations, as well as uses of nearby private lands.

Where public lands administered by BLM are adjacent to or intermingled with lands administered by other Federal gencies or with non-Federal lands, such as inholdings of private or State lands, ACEC designation decisions will, as elsewhere, be coordinated with land planning and management activities of other governmental entities and landholders who would be affected. In such cases, cooperative agreements should be sought in order to secure mutual objectives consistent with the purposes of the ACEC designation. In any case, an ACEC will not include non-BLM inholdings or other non-BLM lands or interests.

4. Expressions of Public Concern. The views of members of the public, including residents of nearby communities, landholders, and users of the public lands, also will be key considerations in making designation decisions.

V. Process.

The process to be used in making ACEC identification, designation, and management decisions is BLM's planning process for preparing and approving Resource Management Plans (RMP's). (The BLM planning regulations, at Sec. 1601.5, provide details of this planning process.) Identification of potential ACEC's will be given priority in the inventory of all public lands and their resources, and designation and protection of ACEC's will be given priority in the development and revision of RMP's (FLPMA, Secs. 201(a) and 202(c)(3)).

A. Identification Phase. Criteria for identifying potential ACEC's are discussed in Identification Criteria, III., above.

1. Information Collection.

a. District Managers will give priority attention to the identification of important environmental resources and natural hazards on BLM-administered land in the "identification of issues," "development of planning criteria," and "inventory data and information collection" phases of the resource management planning process. Sources of special significance information as discussed in III.C. would be extremely useful.

b. Members of the public, including representatives of State and local government, may at any time nominate an environmental resource or natural hazard to be considered for ACEC identification purposes. Any such nominations are most useful during the inventory and scoping steps of the planning process, and should be accompanied by maps and description, together with available evidence as to their relevance and importance. An environmental resource or natural hazard may be identified for ACEC purposes at other times as well.

c. Bureau employees may nominate an environmental resource or natural hazard at any time, such as in the course of BLM field activities, including on-the-ground project planning work. Information from other relevant sources, such as State or Federal natural heritage, cultural, historic, or scientific research and education programs, including both inventory and evaluation data, also will be considered for identification purposes.

d. Whenever an environmental resource or natural hazard has been nominated by the public or the Bureau, by any one of the above methods, such a resource or hazard will be analyzed, evaluated, and reviewed, as described in V.A.2 and 3 below, and a finding made as to whether its location is a "potential ACEC," as described in V.A.4 below. This determination should be made as soon as possible, but not later than six months, after such a resource or hazard is nominated.

2. Analysis and Evaluation. A nominated environmental resource or natural hazard will be analyzed and evaluated by members of the District Office staff, as to relevance and importance, taking into account both present use and condition, and trends. The application of the criteria will be a professional evaluation based on the qualities and characteristics of the resources or hazards themselves, in the context of public concern, without consideration of alternative uses of the resources.

3. Review of the Analysis and Evaluation. The identification recommendation will be reviewed by other District Office professional staff on a systematic, interdisciplinary and multiple-resource basis to ensure that the environmental resources and natural hazards being evaluated meet the identification criteria. Interdisciplinary aspects of this review will be in accord with BLM's planning regulations and NEPA Sec. 102(A), and Sec. 1502.6 of the Council on Environmental Quality's (CEQ's) regulations for implementing NEPA, so as to ensure integrated application of the natural sciences, social sciences, and environmental design arts. Where preparers or reviewers on the District Office staff do not represent all of the appropriate disciplines, assistance should be obtained from the State Office staff.

This review will include whether the proposed ACEC boundary encompasses an appropriate unit, of adequate size and configuration to include not only its central features, but such surrounding and adjacent lands as may be appropriate to assure that the necessary special management attention can be provided in a secure setting. In any case, there is no size limitation for ACEC's, either maximum or minimum.

Where more than one environmental resource or natural hazard is located in the same general location, consideration should be given to consolidating their review as one potential ACEC. While each environmental resource or natural hazard involved should be evaluated for ACEC identification purposes on an individual basis, the whole potential ACEC area should be included in the review, on an integrated and multiple-resource basis. In some situations a combination of different kinds of environmental resources may be present, and this circumstance and their interrelationships may add to the importance of a potential ACEC area as a whole.

4. Identification Finding. The District Manager will make the finding whether an environmental resource or natural hazard meets the identification criteria. If the identification criteria are met, the area in which the identified environmental resource or natural hazard is located becomes a potential ACEC. (This decision will be made as part of the "evaluation

and "management situation analysis" steps of the RMP planning process; Sec. 1601.5, planning regulations.) The District Manager then shall prepare technically feasible protection objectives and recommended special management requirements, together with supporting reasons and documentation.

B. Temporary Management. When a District Manager finds that the location of an environmental resource or natural hazard is a potential ACEC (i.e., when the identification criteria have been met), the District Manager will take all feasible action to assure that those qualities that make the resource important are not damaged or otherwise subjected to adverse change pending an ACEC designation decision. With regard to a natural hazard found to meet the identification criteria, the District Manager will take all feasible action to assure the safety of life and property pending an ACEC designation. Examples of some of the actions the District Manager can initiate include: cooperative agreements, emergency withdrawals, temporary closures, supplemental rules, increased monitoring and surveillance, or implementing relevant laws or statements of policy. Where temporary management measures available to the District Manager are not adequate to fully protect a potential ACEC, the District Manager will promptly advise the State Director, who will take appropriate authorized action. The primary consideration will be to protect the integrity of a potential ACEC's values until a designation decision is made.

C. Designation Phase.

1. Designation Consideration through the Planning Process. After a potential ACEC is identified, the following procedures will be used:

a. When an approved management plan exists:

(1) Where appropriate special management attention already is being provided in accord with an existing plan, thereby requiring no change in management, ACEC designation should be made by adding to the plan an ACEC element including appropriate special management requirements, thus providing the protection of Sec. 102(c)(3) of the Act without awaiting revision of the plan in its entirety;

(2) Where a change in management would be required to assure appropriate special management attention, the District Manager will consider the significance of the indicated changes and determine (a) whether the indicated change can be made in a timely manner according to the regular planning schedule; or (b) whether the plan should be amended more promptly without awaiting the regularly scheduled time for plan completion or revision. The District Manager shall act accordingly and also provide special temporary management in accordance with V.B. above until the decision is made on the proposed plan or amendment.

(3) During the period of transition to the Bureau's revised planning process, where an approved land-use plan exists--such as a Management Framework Plan (MFP)--until such time as a Resource Area is placed under an

approved Resource Management Plan (RMP), the area will continue to be managed under the existing land-use plan. During the transition period until approval of an RMP, an existing MFP may be amended to include an ACEC element in accord with these guidelines (and Sec. 1601.8 of the planning regulations).

b. When no approved management plan exists:

When the District Manager considers that prompt designation of a potential ACEC is appropriate without waiting for approval of the other elements of a plan, the District Manager will prepare and propose approval of an ACEC plan element (Sec. V.B.3), analyze the proposed action through an environmental analysis or environmental statement as necessary, provide opportunity for public participation, and, with the State Director's concurrence, make a designation decision in accordance with Sec. 1601.8(c) of the planning regulations. Special temporary management will be provided in accordance with Sec. V.B. of these guidelines until a decision to designate or not designate is made.

2. Consideration of Alternatives. For all potential ACEC's, alternatives to the proposed ACEC designation will be considered and evaluated through the alternative development and evaluation phases of the resource management planning process. Alternatives may include differing ACEC special management requirements, differing configurations of possible ACEC boundaries, and no ACEC designation--i.e., management under standard BLM procedures; protective management through another form of special area designation; or alternative uses for the resources involved. Effects of alternatives will be considered and a preferred alternative selected.

3. Preparation for Designation Decision. Following opportunity for public comment on the alternatives, the District Manager will review the record of public response, consider the other relevant factors, and propose a decision that will allocate the environmental resources involved to the use or combination of uses that best serves the public interest (in accord with Designation Considerations, IV., above). If the proposed decision is to designate an ACEC, a proposed ACEC element of a proposed plan or plan amendment will be prepared. When more than one ACEC proposal is included within an ACEC plan element, each proposal will be the subject of an individual part of the element. The District Manager will advise the State Director of his proposed decision. The State Director must concur with a District Manager's proposed decision before a decision may be made by the District Manager (in accord with concurrence procedures, Secs. 1601.5-8 and 1601.6-1, planning regulations).

a. ACEC Plan Element. An ACEC element of a plan will include or reference for each ACEC involved:

(1) Name: A proposed name for the ACEC, for public identification purposes. The name should indicate both a geographic location or central feature and the purpose of the ACEC, e.g., Clearwater Creek Scenic Area, Rainbow Desert Tortoise Research Natural Area, or Dead Man Cliffs

Hazardous Area. The Washington Office will prepare a discrete list of "purpose-related" title categories which will normally be used to avoid proliferation of title categories for like areas.

(2) Management Objectives: A statement of the specific management objectives for the particular ACEC.

(3) Description: A description of the environmental resources or natural hazards involved, including description of their interrelationships, together with assessment and evaluation of their relevance and importance, and other pertinent characteristics of the area and its setting.

(4) Special Management Requirements: A statement of the special management requirements for the ACEC. The purpose of the statement of special management requirements is to assure that the necessary protective management will be both prescribed and applied. It is recognized that the degree to which it is feasible for an area's special management requirements to be fulfilled (i.e., fully specified, completed, adopted, or implemented) at the time of designation may vary from one ACEC to another--depending on such factors as the level of current knowledge and understanding of an area's resources, degree of importance, need to designate without delay, and complexity of the management situation. Thus, some of the provisions of the special management requirements may be fulfilled at the time of designation by a description of the requirement, together with a schedule for implementation. Where provisions are needed to guide on-the-ground management of the ACEC that cannot be fulfilled at the time of designation, they will be incorporated into a subsequent activity plan for the ACEC. Completion of an activity plan as needed for each ACEC is a priority item and should be completed within 6 months of approval of the ACEC plan element.

The statement of special management requirements will include:

(a) A description of the special management attention to be applied, giving priority to prevention of irreparable damage and other protective requirements. Special management measures, including any necessary standards or criteria, will be designed to (1) provide effective protection against adverse change to the qualities that make the environmental resource or resources involved important, and wherever feasible to enhance these qualities or (2) provide protection from hazards.

Interrelationships among multiple resources should be taken into account in prescribing special management requirements for an ACEC as a whole. This will include, or include description of, any necessary rules, regulations, and plans for protection, in accord with Sec. 102(a)(11) of the Act. These measures will be described in sufficient detail to effectively inform BLM personnel, other governmental entities, and the public of the basic terms and conditions of future managment and use of the area.

The special management requirements for each particular ACEC will be designed individually to fit the resources or hazards within each particular geographic area involved. Although affected by management objectives of adjacent lands, each ACEC's special management requirements will be handcrafted independently. Adjacent land management practices may complement a particular ACEC's management requirements, but those practices should not be relied on to fulfill an ACEC's management requirements.

A distinction should be made between those measures that (1) can be adopted and carried out by BLM and (2) those that are a basis for a request or recommendation to others for action. This second category--for example, proposals for withdrawals, legislation, or cooperative agreements with other government agencies, landholders, or private organizations or intentions to nominate an ACEC to a Federal or State register or recognition program--depend in whole or in part on actions of others. In intermingled land ownership situations, where resources or hazards within an ACEC on BLM lands are likely to be affected by uses of adjacent or nearby non-BLM land, any necessary cooperative agreements, contracts or other arrangements with such land managers, landholders, or governmental entities, pursuant to Sec. 307 of the Act, will be included or described. Any such measures may be requested or completed prior to the time of designation. In any case, an ACEC will not include non-BLM inholdings or other such non-BLM lands or interests.

Where necessary in order to provide the required special management, and when it is in the public interest to do so, lands or interests in lands may be recommended for acquisition by purchase, exchange, or donation pursuant to Secs. 205, 206, and 318(d) of FLPMA or other applicable law.

(b) To the maximum extent possible, types of future uses, activities or management practices that are considered compatible with the purposes of the designation, and those considered incompatible, shall be described, together with a description of any existing incompatible uses within the area and a schedule for conformance.

(c) Maps and other supporting documentation or references. (Where general public knowledge of the precise location or recognizable features of a fragile resource could reasonably contribute to its damage, rather than protection, only general location or characteristics should be shown on maps or described.)

(5) Public Comment. The ACEC element will include a summary of public participation and a record of public response.

4. Designation. After concurrence by the State Director, the District Manager will make the designation decision. If the decision is to designate, the designation shall be made through approval (i.e., adoption) of the RMP, MFP, or amendment in which the ACEC plan element is included; or the proposed ACEC plan element when no plan exists.

a. Special Provisions for Resources of More-than-State Significance. When a State Director considers that an environmental resource within an area being proposed for ACEC designation may be of more-than-State, national, or international significance, he will so advise the BLM Director and provide rationale. If the BLM Director finds that such a resource is of national or international significance, the BLM Director may, after reviewing the proposed ACEC element, concur in the proposed designation decision. The BLM Director may recommend and request the concurrence of the Secretary in the designation of a proposed ACEC involving a resource found to be of national or international significance. Subsequently, in the event revision of that ACEC element is proposed, or an action inconsistent with that ACEC's special management requirements is proposed that could adversely impact a protected environmental resource within that ACEC, no such revision or action shall be undertaken or permitted by BLM except by concurrence of all officials who concurred in the designation.

b. Public Notice. Notice of each ACEC designation will be published in the Federal Register by the State Director, and a public announcement provided to other media.

c. Decision Not to Designate. If the decision is not to protect a potential ACEC through ACEC designation, that decision will be documented through the planning process and a public announcement made promptly. If the decision is to provide the necessary protection through another form of special management, the documentation and announcement will include specifics of that other form. If the decision is to allocate such an identified resource, in whole or in part, to another use which would result in damage or loss to such resource, the District Manager must first find that there is an overriding public need for such other use; that the public benefits of such other use outweigh the public benefits of use appropriate with ACEC designation, and that such other use will best meet the present and future needs of the American people (FLPMA, Sec, 103(c)). In addition, any allocations to such other use will include all feasible planning and management to prevent, minimize, mitigate or restore any consequent damage to the resource, and these requirements will be specified in the documentation.

D. Management Phase.

1. Management Responsibilities. Upon designation of an area as an ACEC, the area's special management requirements are in effect, as specified in the ACEC element of the plan, and all subsequent uses and activities within the area shall be in accord with those requirements.

In the event the District Manager considers that an activity should be undertaken, or permitted to be undertaken, because he considers it would be in the public interest despite its inconsistency with an ACEC's special management requirements, he may propose that the ACEC element of the relevant plan be amended to permit such activity. In any such case,

provisions of V.F. (Revision of a Designation) of these guidelines and 1601.6-3 (Changing the Resource Management Plan) of the BLM planning regulations, shall be followed.

All BLM planning and management activity concerned with lands outside of but affecting an ACEC shall be, insofar as feasible, supportive of and consistent with the objectives of the ACEC designation. Any threat to the integrity of an ACEC-protected resource--whether originating within or outside of an ACEC's boundary, or whether undertaken or proposed by a governmental agency or a private entity--shall be prevented or opposed by the District Manager and appropriate action taken promptly. Where the District Manager lacks authority to deal effectively with any such threat, the District Manager shall request action be taken by the State Director.

2. Reporting Responsibilities. On internal documents for accountability purposes each ACEC should be identified as a generic ACEC by name, e.g., Clearwater Creek Scenic Area (ACEC), State name, District name, Resource Area name and number. Information on the status of ACEC identification, designation, management and use, and on management problems encountered and suggestions for improvement of the ACEC process, will be reported by District Managers and State Directors to the Director (430), as one basis for preparing the annual report to Congress on implementation of FLPMA, required by Sec. 311 of the Act.

E. Programming. Needs for identification of environmental resources or natural hazards for ACEC purposes, and for designation and special management of ACEC's, will be given priority consideration in the scheduling, development and revision of all RMP's (and MFP's during transition), and of pertinent activity, program and work plans--pursuant to Secs. 102(a)(11), 201(a), and 202(c)(3) of the Act. Whenever inventory, analysis, planning or management actions are scheduled for the public lands, funding and personnel requirements for anticipated ACEC identification, designation, and special management will be incorporated into the appropriate budget requests for resource inventories, RMP (MFP during transition), and in subsequent activity plans and program plans, as developed through the budget process, and, depending upon the availability of funds and personnel, will be included in annual work plans.

F. Revision of a Designation. No revision may be made in the terms of an ACEC designation, except by plan amendment through the planning process, incorporating environmental analysis and public participation. For any such proposed revision, at a minimum, an environmental assessment (EA) will be prepared. The decision whether an environmental impact statement (EIS) is required will be based on findings of the EA, in accord with BLM's planning regulations and CEQ regulations for NEPA (40 CFR 1500). If such a proposed revision would result in damage to an ACEC-protected environmental resource to the extent that it would be a major Federal action significantly affecting the human environment, an EIS will be prepared and filed for public review.

No use of action that would be inconsistent with an ACEC's special management requirements or that would adversely impact an ACEC-protected resource shall be permitted unless the District Manager, after considering all pertinent factors, including the results of environmental analysis and public comment, makes the following findings: (1) The public benefits of the proposed incompatible action clearly outweigh the public benefits of continuing protection of the ACEC-protected resource; (2) There is a clear public need for the proposed action and such action is clearly in the public interest; (3) There is no feasible alternative to, or alternative location for, the proposed action, and (4) Such action includes all feasible planning and management requirements to prevent, minimize, mitigate, or restore the effects of adverse impacts.

In any such case, concurrence by the BLM State Director shall be a prerequisite for approval of such a plan amendment. Where an environmental resource that has been found by the BLM Director to be of national or international significance is involved, and the BLM Director concurred in the ACEC designation decision, the BLM Director, also, would have to concur in any such plan amendment. Where the Secretary concurred in the designation decision, the Secretary, also, would have to concur in any such plan amendment.

G. Public Involvement. Opportunity for public involvement will be provided at each step of the ACEC process, and public participation invited and facilitated by BLM officials in accord with applicable law and executive policy.

1. Public Participation Guidance: Public participation opportunities shall include, at a minimum, public notice by District Managers when an ACEC identification or designation process begins, and announcement of public meetings, workshops or other informational activity to explain the schedule and procedures, possible application of the ACEC process to particular local situations, and how interested persons and organizations may effectively participate.

2. Administrative Review. Protests relating to the proposed approval or disapproval of a plan or plan amendment concerning ACEC designation, related management practice, or other aspects of the ACEC process may be filed with the State Director for administrative review by BLM. Procedures and requirements for such administrative review, including protest filing procedures and qualifications, are covered in Sec. 1601.6-1 of BLM's planning regulations.

VI. Responsibilities

A. District Managers. Basic responsibility for making ACEC decisions has been delegated to District Managers. As part of District Managers' responsibility to prepare and approve an RMP for each Resource Area in their Districts, each District Manager will, with assistance of Area Managers, identify environmental resources and natural hazards that meet ACEC identification criteria, prepare proposed ACEC elements of such plans as

warranted, and designate any ACEC's after obtaining the appropriate concurrence. Subsequently, the District Manager will make any necessary revisions to ACEC plan elements through the plan amendment process. District Managers' continuing responsibilities include preparation of activity plans and management of each ACEC in accord with its special management requirements. District Managers will provide for and facilitate public participation in the ACEC process.

B. State Directors. State Directors will provide quality control for the ACEC process in their States and technical assistance and policy guidance to District Managers; review proposed ACEC designation or revision decisions, and concur before such decisions are made by District Managers. Where a proposed ACEC contains a resource which State Directors consider may be of national or international significance, they will so advise the Director. State Directors will file draft and final environmental statements associated with ACEC's (in accord with Sec. 1601.0-4(b) of the planning regulations), and will assure that public participation in the ACEC process is provided for and facilitated.

C. Director. National-level policy direction and guidance for the ACEC process are provided by the Director. When State Directors advise the Director that they consider a resource within a proposed ACEC may be of national or international significance, the Director may, after reviewing the proposed designation decision, make such a finding and may concur in the proposed decision. The BLM Director may seek concurrence by the Secretary in ACEC designation decisions.

D. Coordination. All BLM personnel with responsibilities for programs involving inventory, planning or management of public-lands resources will integrate the ACEC process into these programs. Each State Director and District Manager will designate a member of their respective resources staffs as ACEC Coordinator. In the Washington Office, ACEC coordination functions and responsibility for development of procedures for, and oversight of, identification, designation and management of ACEC's, are assigned to the Assistant Director - Recreation and Environmental Areas, through the Deputy Director for Lands and Resources.

VII. Relationships.

ACEC's and other forms of special management designation are not necessarily mutually exclusive, and ACEC designations may be used to complement the other forms.

A. Effect of ACEC Designation. Because in FLPMA the Congress mandated not only the identification and designation, but also the protection, of ACEC's, the ACEC process is more than a recognition program. It is a process for (1) determining what special management important environmental resources or natural hazards require; (2) providing commitment that this special management will continue to be provided on a priority basis in accord with Sec. 202(c)(3) of the Act; and (3) providing such management.

B. Relationship to Other Allocation Designations. ACEC's are part of a Bureau system of special area designations. The purpose of these special area designations is to give special management attention to areas containing important natural and cultural resources and natural hazards (ACEC's), areas with combinations of significant resource values, and areas with certain significant public recreation opportunities.

The Secretary, and the BLM Director by delegation, have for many years designated special management areas for limited uses under their general authority to protect public health and safety, the natural environment, erosion and destruction of plant life and wildlife habitat. These areas have been given such titles as Primitive Areas, Scenic Areas, and Research Natural Areas. Congress also has designated areas of the public lands as National Conservation Areas and Wild and Scenic Rivers for special management purposes.

In the future, areas of the public lands with important natural or cultural resource values--such as previously designated Research Natural Areas and Outstanding Natural Areas--shall be considered for ACEC designation.

An area designated by Congress for special management, such as a National Conservation Area, a National Wild or Scenic River, or a Wilderness Area, may contain one or more ACEC.

C. Relationship to Recognition Designations. Unlike ACEC designation, some types of Secretarial and State government designations are recognition-oriented; that is, they constitute a recognition of the significance of certain types of important environmental resources but do not constitute a commitment to provide special management protection of these resources. Examples include National Natural Landmarks designated by the Secretary of the Interior and Natural Areas identified by some State governments. ACEC designations may, in whole or in part, be considered for recognition through such programs. For example, all or part of an ACEC also may be a National Natural Landmark if its values are found to be of national significance as defined by that landmarks program. Conversely, an area of the public lands which has been given recognition through such a program will be considered for ACEC designation.

D. Withdrawals. A number of withdrawals have, in effect, allocated areas of the public lands for specified public purposes by public land order issued by the Secretary. An ACEC designation does not constitute a withdrawal. That is, designation of an ACEC does not by itself preclude from the area any activities which may be allowed under the public land laws, including the General Mining Law of 1872. A withdrawal shall be requested of the Secretary in association with an ACEC designation if withdrawal is necessary in order to provide for the special management requirements of that particular ACEC.

E. Integration with Other Management Actions. The identification, designation, and management phases of the ACEC process will be incorporated into all BLM resource planning and management programs and activities on a priority basis, pursuant to FLPMA and other relevant law and executive direction. The ACEC process will be administered so as not to duplicate, but rather to complement and strengthen the use of all relevant forms of management of the resources of the public lands in the public interest.

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